

the **Charleston**
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The State Newspaper

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Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Submitted via FOIAOnline

Please consider this a request made under the federal Freedom of Information Act, 5 U.S.C. 552.

Please provide me with copies of any and all records in EPA's custody concerning Appalachian Laboratories, a water quality lab located in Raleigh County, W.Va. Please also provide any records in EPA's custody concerning any reviews conducted in 2014 and 2015 of the West Virginia Department of Environmental Protection's water quality laboratory certification program.

This request is meant to include, but not be limited to: Any EPA inspections of Appalachian Laboratory facilities or operations, any documents concerning investigations by EPA of the operations of that operation, any documents concerning EPA oversight of the state of West Virginia's laboratory certification program.

Please waive any copying and search fees associated with this request, as provided in 40 C.F.R. 1601.32. The information that I have requested concerns the operations or activities of government, and the disclosure of this information is likely to contribute to public understanding of government activities in a significant manner. The public's interest in the publication of stories based on this information exceeds any commercial interest of mine in obtaining the records.

If you choose not to waive these fees, and the cost will exceed \$50, please contact me before you proceed. Also, if you choose to withhold any documents that are responsive to my request, please provide me with an index that describes these records with reasonable specificity, and which cited the specific reasons for each document being withheld. *See Vaughn v. Rosen, 523 F. 2d 1136 (D.C. Cir. 1975).*

Please expedite the processing of my request under 5 U.S.C. 552(a)(6)(E)(V)(II), which requires you to expedite requests "made by a person primarily engaged in disseminating information, urgently to inform the public concerning actual or alleged Federal Government activity." I am a newspaper reporter with The Charleston Gazette, the largest newspaper in West Virginia. An official from this laboratory has been convicted of falsifying laboratory reports, violations that apparently the WVDEP did not discover on its own. Given that other laboratories operating under WVDEP's certification program continue to sample and test water quality samples every day in our state, the public has an urgent need to know if the WVDEP is acting properly in managing this program and ensuring that samples are taken and tested according to the law – or if any lack of proper state oversight is leading to violations of water quality rules not being discovered and halted.

As you should know, you are required by the statute to determine whether you will expedite the processing of my request and notify me of this determination with 10 days. See 5 U.S.C. 552(a)(6)(E)(ii)(I).

In any event, as you know, you are required by federal law to, within 20 days, "determine ... whether to comply with" my request and then "immediately notify" me of this determination. I look forward to your prompt response, within the time limit required by law.

Should you have any questions about this request, please contact me at (304) 348-1702. I look forward to a prompt response, within 10 days, concerning the request for expedited processing, and to a notification within 20 days of your determination on releasing the records I have requested.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Ward Jr.", with a long, sweeping horizontal stroke extending to the right.

Ken Ward Jr.
Staff Writer